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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 UNITED STATES OF AMERICA, )  
9 )  
Plaintiff, ) Case No. CR03-448 MJP  
10 v. ) **PROPOSED FINDINGS OF FACT**  
11 JAKE RAY BUTTERFIELD, ) **AND DETERMINATION AS TO**  
12 Defendant. ) **ALLEGED VIOLATIONS OF**  
**SUPERVISED RELEASE**

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13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on December  
15 28, 2009. The defendant appeared pursuant to a warrant issued in this case. The United States  
16 was represented by James Osterle, and defendant was represented by Ralph Hurvitz. Also  
17 present was U.S. Probation Officer Leona Nguyen. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR ACTION

19 Defendant was sentenced on June 2, 2004 by the Honorable Marsha J. Pechman for  
20 possessing and uttering counterfeit securities. He received 41 months of detention and 3 years of  
21 supervised release. Mr. Butterfield's supervised release has been revoked twice previously for  
22 committing the crime of theft, failing to notify the probation officer of law enforcement contact,  
23 and using methamphetamine. He began his third term of supervised release on August 7, 2009,

1 which is scheduled to expire on August 6, 2010.

2 PRESENTLY ALLEGED VIOLATIONS

3 In a petition dated December 4, 2009, Senior U.S. Probation Officer Jennifer Tien alleged  
4 that defendant violated the following conditions of supervised release:

5 1. Failing to report for urinalysis testing on November 5, 16, and 30, 2009, in violation  
6 of the special condition of drug aftercare.

7 2. Failing to report for a scheduled appointment with U.S. Probation Officer on  
8 November 30, 2009, in violation of standard condition number 2.

9 3. Using methamphetamine on or before November 23, 2009, in violation of standard  
10 condition number 7.

11 FINDINGS FOLLOWING EVIDENTIARY HEARING

12 Defendant admitted the above violations, waived any hearing as to whether they occurred,  
13 and was informed the matter would be set for a disposition hearing January 15, 2010 at 3:15 p.m.  
14 before District Judge Marsha J. Pechman.

15 RECOMMENDED FINDINGS AND CONCLUSIONS

16 Based upon the foregoing, I recommend the court find that defendant has violated the  
17 conditions of his supervised release as alleged above, and conduct a disposition hearing.

18 DATED this 28<sup>th</sup> day of December, 2009.

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20 BRIAN A. TSUCHIDA  
21 United States Magistrate Judge  
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